



MICHAEL A. CARDOZO
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NEW YORK 10007

SHAWN D. FABIAN
Assistant Corporation Counsel
E-mail: shfabian@law.nyc.gov
Phone: (212) 788-0906
Fax: (212) 788-9776

August 6, 2008

BY HAND DELIVERY

Honorable William H. Pauley III
United States District Judge
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007

Re: Tyrone Swinton v. City of New York, et al., 08 Civ. 3874 (WHP)

Your Honor:

I am an Assistant Corporation Counsel in the Office of Michael A. Cardozo, Corporation Counsel of the City of New York, representing defendant City of New York ("City") in the above-referenced matter. Defendant City writes to respectfully request a brief adjournment of the Initial Conference currently scheduled for August 8, 2008 at 10:45 a.m. to another date and time convenient for the Court. Plaintiff's counsel, Uwem Umoh, Esq., consents to this request.

The reason for this request is that the undersigned must conduct a court ordered deposition, at that same date and time, in the matters of Pipitone, et al. v. City of New York, et al., 06-CV-145 (DGT)(JMA), Bishop, et al. v. City of New York, et al., 06-CV-2843 (DGT)(JMA), Greenwald, et al. v. City of New York, et al., 06-CV-2864 (DGT)(JMA), Borriello, et al. v. City of New York, et al., 06-CV-2954 (DGT)(JMA), DiLapi, et al. v. City of New York, et al., 06-CV-3101 (DGT)(JMA), Lino, et al. v. City of New York, et al., 06-CV-3591 (DGT)(JMA) and Morris, et al. v. City of New York, et al., 07-CV-2189 (DGT)(JMA), which have been consolidated for discovery purposes before the Honorable David G. Trager in the Eastern District of New York. Should Your Honor's schedule permit, plaintiff's counsel informed me that he is available on August 11 and in the afternoons of August 13, 14 and 15, as well as the week of August 18, 2008.

Accordingly, defendant City respectfully requests that the Initial Conference currently scheduled for August 8, 2008 at 10:45 a.m. be adjourned to another date and time convenient to the Court.

Thank you for your consideration herein.

Respectfully submitted,



Shawn D. Fabian (SF4606)
Assistant Corporation Counsel
Special Federal Litigation Division

cc: Uwem Umoh, Esq. (By First Class Mail)
Attorney for Plaintiff
255 Livingston Street, 4th Floor
Brooklyn, New York 11217

Application Granted. The initial pre-trial
conference is adjourned to August
15, 2008 at 11:30 a.m.
SO ORDERED:


WILLIAM H. PAULEY III U.S.D.J.

8/18/08